

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DENNIS SHIPMAN,

Plaintiff,

v.

No. 1:10-CV-1124
(GLS/DRH)

STERLING INFOSYSTEMS, INC.,

Defendant.

APPEARANCES:

DENNIS SHIPMAN
Plaintiff pro se
58 Grove Street, 2nd Floor
Newburgh, New York 12250-4128

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION and ORDER


Plaintiff pro se Dennis Shipman ("Shipman") commenced this action on September 20, 2010 under 42 U.S.C. § 1983 alleging violations of his civil rights. Dkt. No. 1. The complaint fails to satisfy the basic pleading requirements established by the Federal Rules of Civil Procedure. In an order filed September 24, 2010, this Court directed Shipman to file an amended complaint that fully complies with Fed. R. Civ. P. 8 and 10. Dkt. No. 4. Shipman has failed to file an amended complaint. Accordingly, since this action cannot proceed in the absence of Shipman's submission of a sufficient complaint, it is hereby

RECOMMENDED that Shipman's complaint be **DISMISSED** in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Shipman's failure to comply with the Court's September 24, 2010 order; and it is hereby

ORDERED that the Clerk serve Shipman with a copy of this report-recommendation by regular mail and certified mail.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may lodge written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court “within fourteen (14) days after being served with a copy of the . . . recommendation.” N.Y.N.D.L.R. 72.1(c) (citing 28 U.S.C. §636(b)(1)(B)-(C)). **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Small v. Sec’y of HHS, 892 F.2d 15 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: November 22, 2010
Albany, New York


United States Magistrate Judge